

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Fredrick DeWayne Hines,

File No. 18-cv-3250 (ECT/BRT)

Plaintiff,

v.

ORDER

State of Minnesota; Minnesota Department of Corrections; Lori Swanson; Mike Dayton; Tom Roy; John Hoffman; Shane E. Wernsing; Lon Augdahl; Stephan Cranna; Jessica Buberl; James Clint Zuleger; “Commissioner of Human Services (John or Jane Doe)”; Michelle Smith; David Rheisus; Sherilinda Wheeler; Deborah MacNeill; Eric Nelson; Hannah Lindeman; Elizabeth (Beth) Strunk; Mary Spaniol; Lindsey Jennelle; Cynthia Herme; Diane Medchill; Carlirae Ronning; Mary A. Bergstad; Matthew Marsh; Jenny MacNeill; Andy DuBois; Nanette Larson; Mike Hermerding; John Melvin; Barb Manor; Amber Swanson; Elaine Cworn; “Jane Doe (Skinny Minnie), RN (MCF–OPH)”; Carla Thompson; Kathy Reid; Brenda Smith; Katherine Uhl; Jamie Peterson; “John Doe, RN (MCF-OPH)”; Coleen Loucks; Danielle Kenyon; Truman Clate; Dana Hill; Bronson Austreng; Brian Bradley; “Lt. Unknown Hagen (CX-5 & MHU-CX-4) (PREA Investigator)”; “Lt. Unknown Monfur (CX-5 & MHU-CX-4) (PREA Investigator)”; Chad Oye; “Lt. N. Witter (PREA Investigator)”; Jeffrey Gutzmer; “Sgt. S. Swanson (CX-5)”; Tim Farmer; Matthew Johnson; Glen Lisowy; “Sgt. Unknown Bikney (CX-5)”; “Sgt. Unknown Grandstand (CX-5)”; “Sgt. Unknown Foster (CX-4)”; Lon Hovak; Craig Thacker; Christopher Ewald; Matthew Cash; “Unknown Speilman (CX-5 & MHU-CX-4)”; “D. Strickland (CX-5)”; “B. Lor (CX-

5)”; “Unknown Giraud (CX-5 & MHU-CX-4)”; “Unknown Uhl (CX-5)”; Bret Rangstich; “S. Stanley (CX-5 & MHU-CX-4)”; “Unknown Kosh (CX-5 & MHU-CX-4)”; Victor Torres; “Unknown Jackson (CX-5 & CX-4)”; Jerry Thor; Adam Perry; “Unknown Berts (CX-5 & MHU-CX-4)”; “J. Priase (CX-5; CX-4)”; Briah Rhor; Carlton Perry; “J. Fredrick (CX-5 & MHU-CX-4)”; “Unknown Minke (CX-5 & MHU-CX-4)”; “F. Wilson (CX-5 & MHU-CX-4)”; “Unknown Antilla (CX-5 & MHU-CX-4)”; “Unknown Minneto (CX-5 & MHU-CX-4)”; “Unknown Graves (CX-5 & MHU-CX-4)”; “K. Fisher (CX-5 & MHU-CX-4)”; “C. Smith (CX-5, CX-4)”; Mic Klin; Brandon Huynh; “J. Smith (CX-5, CX-4)”; Anthony Crea; “Unknown O’Neill (ACU, CX-5 & CX-4)”; Doug Witte; Todd Bergstad; “Unknown O’Neill (CX-5-MHU, CX-4 & ACU-Unit)”; “A. Yates (CX-5 & CX-4)”; James Toughy; and “Inmate (Drama) CX-4”.

Defendants.

Plaintiff Frederick Dewayne Hines filed a Motion to Dismiss Defendants’ From Civil Suit on The Court on October 3, 2019. ECF No. 138. In that filing, Hines stated that seven Defendants—the State of Minnesota, Lori Swanson, John Hoffman, James Clint Zuleger, the Commissioner of Human Services, Mike Dayton, and Jessica Buberl—“will be voluntarily dismissed.” *Id.* at 1. Although Hines captioned his filing as a motion, the Court construes it liberally as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). *See Erickson v. Pardus*, 551 U.S 89, 94 (2007) (applying liberal pleading construction to pro se filings). That rule provides that a plaintiff may voluntarily “dismiss an action without a court order by filing: a notice of dismissal before the opposing

party serves either an answer or a motion for summary judgment.” Although all of the Defendants against whom Hines wishes to dismiss his claims have moved to dismiss, none have answered or filed a summary-judgment motion in this case. Accordingly, Hines’ filing effectively dismisses his claims against the seven Defendants he identified.

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS ORDERED** that Plaintiff Frederick Dewayne Hines’s Motion to Dismiss Defendants’ From Civil Suit [ECF No. 138] is **GRANTED**, and the claims alleged against Defendants the State of Minnesota; Lori Swanson, Attorney General; John Hoffman, Judge of the Tenth Judicial District; the Commissioner of Human Services (John or Jane Doe); Mike Dayton, Governor; and Jessica Buberl, Esq., are **DISMISSED WITHOUT PREJUDICE**.

Dated: October 8, 2019

s/ Eric C. Tostrud
Eric C. Tostrud
United States District Court